

MARIE LUISE ELFRIEDE STEINIGER

JULY 2 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 7667]

The Committee on the Judiciary, to which was referred the bill (H. R. 7667) for the relief of Marie Luise Elfriede Steiniger, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the commission of a crime involving moral turpitude in behalf of the fiancée of a United States citizen serviceman.

STATEMENT OF FACTS

The beneficiary of the bill is the German fiancée of Sgt. Daniel Patrick McMenamin of the United States Air Force. The record discloses that she was convicted of theft in Germany and she was also convicted of aggravated larceny. She has a son by Sergeant McMenamin and the child was issued an immigration visa and is presently in the United States with Sergeant McMenamin. Without the waiver provided for in the bill she will be unable to enter the United States to join Sergeant McMenamin and her child.

A letter, with attached memorandum, dated May 26, 1952, to the chairman of a subcommittee of the Committee on the Judiciary of the House of Representatives from the Assistant Chief of the Visa Division reads as follows:

MAY 26, 1952.

HON. FRANCIS E. WALTER,

*Chairman, Subcommittee on Immigration and Naturalization,
Committee on the Judiciary, House of Representatives.*

MY DEAR MR. WALTER: With reference to H. R. 7667, a bill introduced by Congressman Granahan for the relief of Maria Luise Elfriede Steiniger, I enclose

for your committee's information a copy of a report of May 9, 1952, which has been received from the American consul at Frankfurt, Germany.

Sincerely yours,

ROBERT C. ALEXANDER,
Assistant Chief, Visa Division.

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

[Operations memorandum]

MAY 9, 1952.

To: Department of State (for Visa Division).

From: American consul, Frankfurt.

Subject: Case of Maria Luise Elfriede Steiniger.

The visa files of this office indicate that Miss Steiniger and her child, Daniel Patrick Steiniger, are registered on the waiting list of intending immigrants under the German quota in the nonpreference category as of June 11, 1951. On January 8, 1952, the Headquarters, Sixtieth Maintenance and Supply Group, Sixtieth Maintenance Squadron, A. P. O. 57, United States Army, forwarded Miss Steiniger's marriage dossier to this office for an opinion regarding her apparent admissibility into the United States in connection with her proposed marriage to Staff Sgt. Daniel Patrick McMenamin. An extract of Miss Steiniger's penal record which was enclosed with her marriage dossier, revealed that she had had three previous convictions for theft under paragraph 242 of the German Penal Code, which reads as follows:

"Whoever takes a movable thing which does not belong to him from another with the intention of unlawfully converting it shall be punished for larceny by imprisonment. The attempt is punishable."

The specific convictions were imposed by the following courts: On January 26, 1943, by the Amtsgericht (district court), Dessau, which imposed a sentence of 3 months and 2 weeks' imprisonment; on September 27, 1945, by the Amtsgericht (district court), Meiningen, which imposed a sentence of 3 months' imprisonment; on August 27, 1949, by the Amtsgericht (district court), Frankfurt am Main, which imposed a sentence of 14 days' imprisonment.

The Amtsgericht (district court), Dessau, on January 26, 1943, found Miss Steiniger guilty not only under paragraph 242 but also under paragraph 243 of the German Penal Code, which covers aggravated larceny and which reads as follows:

"The punishment shall be confinement in a penitentiary not to exceed 10 years:

"(1) If objects destined for divine services are stolen from a building dedicated to divine service;

"(2) If the larceny is committed by breaking into or entering a building or enclosed premises, or by breaking open any receptacle;

"(3) If the larceny is committed by opening a building or any entrance into enclosed premises, or by using false keys or other instruments not ordinarily intended for such opening, in order to open any inner door or receptacle;

"(4) If the larceny is committed in a public road or street or a public place, upon any waterway or railway, in any post office or the courtyard pertaining thereto, or in any railway station, from luggage or other goods intended for conveyance, by cutting off or detaching the fastening or other means of securing such goods, or by the use of a false key or other instrument not ordinarily intended for opening;

"(5) If the principal, instigator, or accomplice in the larceny carries with him weapons at the time of the commission of the act;

"(6) If several persons who have banded together for a series of robberies or larcenies cooperate in the larceny;

"(7) If the larceny was committed at night in an inhabited building into which the offender sneaked (eingeschlichen) with the intent to steal or in which he hid himself with the same intent, even if at the time of the larceny the inhabitants were absent from the building. An enclosed space appurtenant to an inhabited building and any building to be found within such space and also ships with occupants shall be considered inhabited buildings.

"If there are extenuating circumstances, the punishment may be imprisonment for not less than 3 months."

Miss Steiniger's child, Daniel Patrick Steiniger, was issued an immigration visa on March 13, 1952, to permit him to join his father and grandparents in the United States.

A report dated June 4, 1952, from the Department of State in connection with the bill reads as follows:

JUNE 4, 1952.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives.*

MY DEAR MR. CELLER: Reference is made to your letter of May 7, 1952, and its enclosures, wherein you requested the views of this Department concerning the enactment of H. R. 7667, a bill for the relief of Marie Luise Elfriede Steiniger. Reference is also made to the Department's interim reply of May 9, 1952.

According to information contained in the files of the Department, Marie Luise Elfriede Steiniger is the German fiancée of Sgt. Daniel Patrick McMenamin, United States Air Force, and is the mother of his son, Daniel Patrick Steiniger, who was issued an immigration visa on March 13, 1952, at the American consulate general at Frankfurt, Germany, to permit him to join his father and grandparents in the United States.

The Department's records further show that Miss Steiniger was convicted of theft by German district courts on January 26, 1943, September 27, 1945, and August 27, 1949, and that on January 26, 1943, she was also convicted of aggravated larceny.

As you know, section 3 of the Immigration Act of February 5, 1917, as amended, renders excludable from admission into the United States persons who have been convicted or who admit having committed a felony or other crime or misdemeanor involving moral turpitude. The offenses of which Miss Steiniger was convicted—namely, theft and aggravated larceny—have been held to constitute offenses involving moral turpitude within the meaning of the above-cited provision of law.

As section 2 (f) of the Immigration Act of 1924, as amended, provides that no immigration visa shall be issued to an immigrant who is inadmissible into the United States, it appears that the consular officer with whom Miss Steiniger filed her visa application had no choice under the law but to withhold an immigration visa in her case.

In the circumstances, and in view of the foregoing information, the question of the enactment of the proposed bill appears to be a matter for legislative determination by Congress. However, the Department does not interpose any objection to the enactment of the bill.

Sincerely yours,

H. J. L'HEUREUX,
Chief, Visa Division.

Congressman William T. Granahan, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following additional information:

WESTOVER FIELD, MASS., May 17, 1952.

HON. WILLIAM T. GRANAHAN,
House of Representatives, Washington, D. C.

DEAR SIR: In answer to your last letter, I am now stationed at Westover Field, Mass. I would like to express to you my sincere appreciation for the time and effort you are expending in my behalf. I want you to know that I know from very sad experience that it is no small matter, this problem you are endeavoring to solve for me.

In order to give you all the facts in this matter I am going to explain just what took place in Germany when I tried to marry Luise Steiniger.

I arrived in Germany April 29, 1949, and 5 days later I met Luise. After knowing each other about 5 months we decided we were in love and wanted to get married. When I applied to my commanding officer for permission to marry Luise, he informed me that, due to the fact that Luise was an enemy alien, occupation regulations would not allow us to get married until 3 months before I was scheduled to return to America. In my case that would be around February 1952. He informed me, however, that I could submit a "declaration of intent," a copy of which I am sending to you, which I hope will be returned to me later as it is the only proof I have that clearly shows my intentions toward this girl were honorable from the beginning. A copy of this certificate in German was also given to Luise, witnessed by the squadron commander.

After our child was born, I applied for a waiver of the regulation that prohibited me from marrying Luise, because I wanted to send her to my parents' home in America, where both she and the baby could receive the proper care that was

impossible for her to get in Germany as a refugee from the Russian zone; and, now that the child is here, the doctor has found him anemic, and also only last week I sent money to Luise for a blood transfusion, [which] proves beyond a doubt that my fears were well founded.

As part of the procedure for marrying a German national, the provost marshal's office at Rhein-Main contacted Stuttgart and forwarded their findings to the consul's office in Frankfurt. This took about 4 months, and it was at this time that the consul's office in Frankfurt informed me that they would be unable to issue Luise a visa because of a minor police record and advised me to have her apply to the German courts to have it taken off her records. About a year later, after spending over \$300 to German lawyers, I decided this wasn't getting me anywhere; so, with the help of the chaplain at Rhein-Main Air Base, I submitted a request to marry Luise Steiniger even if she could not be issued a visa under existing regulations, so that I could at least legalize our child and give him my name and live in the hope that at some later date we could be together again. When this request got as far as Sixtieth Maintenance Wing at Rhein-Main, I was summoned to appear for an interview.

[The] colonel chaplain could not seem to understand why I was having so much trouble getting married, and told me that if I resubmitted my desire through the normal channels it would in all probability receive more favorable consideration, due to a change in occupation policy. This I did, and again I had to wait over 4 months while the background check was being made through Stuttgart, even though along with our request we had enclosed statements signed by Luise covering her whole life up to that time. I was told later that this was a very foolish thing to do, but since we had no desire to deceive anyone, and based all our future desires on the hope that if we were honest we might expect mercy, I still think we did right. Months later, when it was almost time for me to leave Germany, I called on the consul's office in Frankfurt, requesting information as to why it was taking so long to get an answer as to whether or not Luise would get a visa. They told me they could not give me this information but I could go to group headquarters at Rhein-Main and find out this. I did, and there they told me that all the papers from Stuttgart and everything else had been sent to Frankfurt, and the consul's office had signed a receipt for them. Two days later Luise received a letter from the consul's office to come in for an interview, and when she did this she was told that, because of the signed statements she had submitted with our marriage papers, they would be unable to issue her a visa. Later I got to see them myself, and it was then that they told me that it would take an act of Congress to get Luise over but, if she would allow me to, I could take the baby home with me.

Five weeks ago, at 4:30 in the morning, a happy and contented group of officers and their wives were standing in front of the Air Force Hotel in Frankfurt awaiting the bus that would take them to the airfield and home. Off to one side of this group I stood, trying to comfort a grief-stricken sick girl, who in a few more minutes would have to part with all that a mother holds dear. It made me feel like an outsider; and I wondered, as I looked at this tear-stained face that I wanted to love and protect, why this heart-breaking decision was being forced on us, because I was an American too; also, a soldier who in the last war flew 49 missions, 20 of them after I received the Purple Heart so that life, liberty, and the pursuit of happiness would not be taken from us, and yet here I was losing everything I myself held dear, with what seemed like very little chance of ever regaining it again. That was the first time in my military life when I came very near giving it all up and walking away. Only my trust in God and faith in my fellow Americans over here kept me from doing this. Minutes later I was on my way home, sick at heart, with the knowledge that happiness for me would never again exist unless something could be done for me in Washington.

As it stands now, my child cannot become an American citizen unless he takes out papers, but if I could get married this would not be necessary, and the German Government would issue him a new birth certificate in my name. As a civilian, I could get all these things in a very short time, but while I am in the service I will need help. The only way they will allow me to marry Luise is if I can get her a visa.

To sum this all up, it is me as well as Luise who needs help. Otherwise, my life is ruined; and, in a country that still believes in God's mercy, this help should not be impossible to obtain.

Sincerely yours,

Staff Sgt. DANIEL P. McMENAMIN,
1257th Air Transport Squadron.

HEADQUARTERS UNITED STATES AIR FORCES IN EUROPE,
APO 633, care of Postmaster, New York, N. Y., December 11, 1951.

Mr. FRANCIS J. MYERS,
2023 Land Title Building,
Broad and Chestnut Streets, Philadelphia, Pa.

DEAR MR. MYERS: I have just seen the letter you wrote to Mrs. McMenamin, who appealed to you in behalf of her son, a staff sergeant, stationed here in Germany.

The case has perhaps been explained to you in detail. My reason for writing is to tell you of my deep interest in the problem. The couple would have been married a long time ago if the present marriage regulations permitted.

In my opinion, both are very sincere and most worthy of every consideration. If the consular office here could be authorized to issue her a visa, I believe she would be a most worthy immigrant. I would not hesitate a second to assume responsibility for her sponsorship.

The airman has kept me constantly informed. I have seen all the papers and have exhausted every possibility available here. There is no need to acknowledge this letter, because I am returning to the States very shortly for assignment at Scott Air Force Base, Ill.

With kind regards, I am,
Very truly yours,

HENRY A. HAMEL,
Chaplain (Lieutenant Colonel), United States Air Force,
Deputy Air Chaplain.

SIXTY-FIRST MAINTENANCE SQUADRON, TC (H), UNITED STATES AIR FORCE
RHEIN-MAIN AIR BASE

FRANKFURT, GERMANY, November 17, 1949.

CERTIFICATE

This is to certify that Sgt. Daniel P. McMenamin (AF-13028303), has submitted declaration of intent to marry Marie Luise Elfriede Steiniger, German national, residing at Umburgerstrasse, Frankfurt, Germany, under the provisions of EUCOM Circular 3, 1949.

IRVING W. HABERLE,
Captain, United States Air Force,
Adjutant.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 7667) should be enacted.

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IN SENATE,
January 12, 1909.

REPORT
OF THE
COMMISSIONER OF THE LAND OFFICE,
IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE,
JANUARY 10, 1908.

ALBANY:
J. B. LEECH, STATE PRINTER,
1909.

THE COMMISSIONER OF THE LAND OFFICE,
IN RESPONSE TO A RESOLUTION
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